रजिस्ट्री सं. डी.एल.-33004/96 REGISTERED No. DL-33004/96

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 11] नई दिल्ली, सोमवार, जुलाई 15, 1996 / आषाढ़ 24, 1918
No. 11] NEW DELHI, MONDAY, JULY 15, 1996 /ASADHA 24, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

GOVT. OF INDIA

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 15th July, 1996:—

BILL No. XVI OF 1996

A Bill further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Industrial Disputes (Amendment) Act, 1996. Short title and commencement.

(*2*) It shall be deemed to have come into force on the 11th day of October, 1995.

2. In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in clause (*a*), in sub-clause (*i*),— Amendment of Act 14 of 1947.

(*i*) for the words and figures "the Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948", the words and figures "the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956" shall be substituted; 15 of 1948. 1 of 1956.

(*ii*) the words and figures 'or the "Indian Airlines" and "Air India" Corporations established under section 3 of the Air Corporations Act, 1953' shall be omitted; 27 of 1953.

(*iii*) for the words and figures "the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959", the words and figures "the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956" shall be substituted; 43 of 1959. 1 of 1956.

(*iv*) for the words and figures "the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971", the words and figures "the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994" shall be substituted; 43 of 1971. 55 of 1994.

(*v*) for the words "a banking or an insurance company", the words "an air transport service, or a banking or an insurance company" shall be substituted.

Repeal and saving.

3. (*1*) The Industrial Disputes (Amendment) Third Ordinance, 1996 is hereby repealed. Ord. 23 of 1996.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Industrial Disputes Act, 1947, *inter alia,* provides for the machinery and procedure for the investigation and settlement of industrial disputes. Clause (a) of section 2 of the Industrial Disputes Act, 1947 defines the term "appropriate government". Sub-clause (i) of clause (a) stipulates the Central Government as the "appropriate government" in relation to any industrial dispute concerning any industry or activity specifically mentioned therein, whereas sub-clause (ii) of that clause designates the State Government as the "appropriate government" in relation to all other industrial disputes. According to this scheme, the Central Government was the appropriate government in relation to any industrial dispute concerning the Indian Airlines and Air India Corporations, the Industrial Finance Corporation of India, the Oil and Natural Gas Commission or the International Airports Authority of India. With the enactment of the Air Corporation (Transfer of Undertakings and Repeal) Act, 1944, the Industrial Finance Corporation (Transfer of Undertaking and Repeal) Act, 1993, and the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Act, 1993, the Central Government ceased to be the "appropriate government" in respect of these establishments. Further with the enactment of the Airports Authority of India Act, 1994, the National Airports Authority of India and the International Airports Authority of India were merged into one single entity named the Airports Authority of India. Meanwhile, a number of private airline companies got incorported and commenced their operations over Indian skies. for all airline companies and the newly constituted Airports Authority of India, the concerned State Government is the "appropriate government".

2. As the establishments and activities, related to air transport services, the Airports Authority of India, the Oil and Natural Gas Corporation Limited and the Industrial Finance Corporation of India Limited, are spread across States and have nation-wide ramifications, it was considered expedient and desirable to ensure uniformity in the handling of industrial disputes concerning such establishments/activities. A significant number of industrial disputes concerning employees of the Air India Limited, the Indian Airlines Limited, the Oil and Natural Gas Corporation Limited and the Industrial Finance Corporation of India Limited were pending for settlement through conciliation, arbitration or adjudication for want of competent jurisdiction and hence conclusive resolution of the question of "appropriate government" for these Organisations had acquired an urgency that could brook no further delay without adversely affecting harmonious industrial relations.

3. As Parliament was not in session, the President promulgated the Industrial Disputes (Amendment) Ordinance, 1995 (Ord. 12 of 1995) on the 11th day of October, 1995, to stipulate the Central Government as the "appropriate government" in respect of—

(i) any air transport service (including Air India Limited and Indian Airlines Limited as well as private domestic and international air transport services);

(ii) Airports Authority of India;

(iii) Oil and Natural Gas Corporation Limited; and

(iv) Industrial Finance Corporation of India Limited,

by amending sub-clause (i) of clause (a) of section 2.

4. The Bill viz. the Industrial Disputes (Amendment) Bill, 1995 to replace the above Ordinance was introduced in the Rajya Sabha on 28.11.1995. The Bill was passed by the Rajya Sabha on 5.12.1995 and a notice for consideration and passing of the Bill in the Lok Sabha was given on 7.12.1995. The Bill, however, could not be considered by the Lok Sabha during the winter session 1995 and subsequently during the budget session 1996 of the Parliament. The Bill, however, lapsed on dissolution of Tenth Lok Sabha. In the

meantime the Industrial Disputes (Amendment) Ordinance (Ord. 1 of 1996), dated 5.1.1996 and the Industrial Disputes (Amendment) Second Ordinance 1996 (Ord. 13 of 1996), dated 27.3.1996 and the Industrial Disputes (Amendment), Third Ordinance 1996 (Ord. 23 of 1996), dated 20.6.1996 were promulgated by the President of India as the Ordinance lapses at the expiration of six weeks from the re-assembling of Parliament. Such continuity of the Ordinance became necessary in order to avert any legal complication and also considering that the circumstances necessitating promulgation of the Ordinance in the first instance in October, 1995 had not changed.

5. The present Bill seeks to replace the Industrial Disputes (Amendment) Third Ordinance 1996 (Ord. 23 of 1996) promulgated by the President on 20th June, 1996.

M. ARUNACHALAM.

V. S. RAMA DEVI,
Secretary-General.

Published by the Secretary-General, Rajya Sabha under rule 68 of the Rules of Procedure and Conduct of Business in the Rajya Sabha.